

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JORGE ALEJANDRO ROJAS,

Plaintiff/Counter Defendant,

v.

Case No. 23-cv-12140  
Honorable Linda V. Parker

DV INJURY LAW PLLC,  
et al.,

Defendants/Counter Plaintiffs.

/

**ORDER DISMISSING CLAIMS AGAINST THIRD PARTY DEFENDANT  
MARK DOMBROWSKI**

Jorge Alejandro Rojas (hereinafter “Plaintiff/Counter Defendant”) initiated this lawsuit on August 21, 2023. (ECF No. 1.) Defendants/Counter Plaintiffs filed a third party complaint against Mark Dombrowski on November 28, 2023. (ECF No. 14.) Defendants/Counter Plaintiffs have failed to serve Mark Dombrowski with the third party summons and a copy of the complaint. Federal Rule of Civil Procedure 4(m) provides, in relevant part:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

Fed. R. Civ. P. 4(m). The Rule further provides, however, that “if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” *Id.*

On May 30, 2024, this Court issued an Order for Defendants/Counter Plaintiffs to show cause, within fourteen (14) days, as to why its claims against Third Party Defendant Mark Dombrowski should not be dismissed. (ECF No. 37.) The Court cautioned Defendants/Counter Plaintiffs that “failure to respond to this Order . . . will result in this Court dismissing [their] claims against Third Party Defendant Mark Dombrowski pursuant to Rule 4(m).” (*Id.* at PageID. 151 (alteration added).) More than fourteen days have passed and Defendants/Counter Plaintiffs have not responded to the Court’s Order.

Accordingly,

**IT IS ORDERED** that all claims against Third Party Mark Dombrowski are **DISMISSED WITHOUT PREJUDICE.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: August 2, 2024